IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 7617 OF 2005 .

Shivaji Bhausaheb Marne. .. Petitioner.
V/s.
Pune District Central Co-op.Bank... Respondents.

Shri Nitin N. Kulkarni for the petitioner.

Shri Avinash Fatanganefor the respondents.

CORAM : V.C.DAGA, J.

DATED : 27.4.2006.

P.C. :

. Heard learned Counsel for the petitioner.

2. It is not in dispute that the petitioner was employed by respondent No.1- Pune District Central Co-op.Bank Ltd.

3. It is also not in dispute that bye-law Nos. 36(1)(B)(7) of the said Bank, prohibits the employees of the Bank from contesting election to the Board of Directors or the Managing Committee, as the case may be.

4. It is also not in dispute that an administrative circular has also been issued by the Bank (Exhibit B), whereby employees of the Bank have been informed not to take part in the elections of the Bank either directly or indirectly. The said circular further warns the employees that in the

event of any such participation of any employee or officer shall constitute misconduct. The said circular came to be circulated to all Branches of the Bank.

5. Here is a case where petitioner has not only indulged in election activities but has actually contested election to the Board of Director of the Bank. This was held to be a misconduct on the part of the petitioner. The services of the petitioner came to be terminated.

6. Aforesaid action of the Bank was challenged by the petitioner by filing complaint under section 28 (1) of the MRTU & PULP Act. The First Labour Court vide order dated 26.7.2004, directed the respondent-Bank to reinstate the respondent from 8.4.1993 with further direction to pay 50% backwages from 8.4.1993.

7. Being aggrieved by the aforesaid order, the respondent preferred revision application bearing Revision Application No. 63 of 2004. The learned Member of the Industrial Court, Pune, reversed the judgment and order of the Labour Court and dismissed complaint, holding that the conduct of the petitioner in contesting election constituted misconduct on his part.

8. Needless to mention that the view taken by the Court below is a reasonabe and possible view. In order to maintain good, congenial,courteous and atomsphere free from internal politics of the different groups operating in the Bank, prohibition to contest election of Managing Committee is reasonable and proper. The employees are rightly prohibited by the bye-laws. At any rate, legality of bye-law is not a subject matter of challenge; what is challenged is the orders of the Court below. In my view, the Courts below have rightly held that the complaint was liable to be dismissed since the termination was for the proved misconduct alleged against him, especially, when the act of contesting election is not in dispute.

9. In the result, no case is made out to interfere with the impugned order. Petition is, therefore, dismissed in limine with no order as to costs.

(V.C.DAGA,J.)